

AMENDED IN SENATE AUGUST 13, 2012
AMENDED IN ASSEMBLY MARCH 28, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2054

Introduced by Assembly Member Fong

February 23, 2012

An act to amend Sections 3017 and 15320 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2054, as amended, Fong. Elections: vote by mail ballots.

Existing law requires vote by mail ballots to be voted on or before the day of the election. Existing law requires that a vote by mail ballot be returned by mail or in person to the elections official who issued the ballot or in person to a member of a precinct board at a polling place within the jurisdiction, except as specified.

This bill would authorize a voter to return his or her vote by mail ballot to a precinct board at any polling place within the state. The bill would require the elections official of a county where a vote by mail ballot is returned, if the ballot is returned to a polling place in a county other than the county of the elections official who issued the ballot, to forward the ballot to the elections official who issued the ballot. By imposing additional duties on local elections officials, this bill would impose a state-mandated local program.

Existing law requires that vote by mail ballots and mail ballot precinct ballots returned to the elections office and to the polls on election day and which are not included in the semifinal official canvass phase of

the election be processed and counted during the official canvass, as specified.

This bill would specify that this requirement also applies to any ballots that are returned to another jurisdiction in the state and which are forwarded to the issuing jurisdiction as required by this bill.

This bill would incorporate additional changes to Section 3017 of the Elections Code proposed by AB 2080, which would become operative only if AB 2080 and this bill are both enacted, both bills become effective on or before January 1, 2013, and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 3017 of the Elections Code is amended~~
2 ~~to read:~~
3 ~~3017. (a) All vote by mail ballots cast under this division shall~~
4 ~~be voted on or before the day of the election. After marking the~~
5 ~~ballot, the vote by mail voter shall do either of the following: (1)~~
6 ~~return the ballot by mail or in person to the elections official who~~
7 ~~issued the ballot or (2) return the ballot in person to any member~~
8 ~~of a precinct board at any polling place within the state. However,~~
9 ~~a vote by mail voter who, because of illness or other physical~~
10 ~~disability, is unable to return the ballot may designate his or her~~
11 ~~spouse, child, parent, grandparent, grandchild, brother, sister, or~~
12 ~~a person residing in the same household as the vote by mail voter~~
13 ~~to return the ballot to the elections official who issued the ballot~~
14 ~~or to the precinct board at any polling place within the state. The~~
15 ~~ballot must, however, be received by either the elections official~~
16 ~~who issued the ballot or a precinct board before the close of the~~
17 ~~polls on election day. If a vote by mail ballot is returned to a~~
18 ~~precinct board at a polling place located in a county that is not the~~
19 ~~county of the elections official who issued the ballot, the elections~~

official for the county in which the vote by mail ballot is returned shall forward the ballot to the elections official who issued the ballot.

(b) The elections official shall establish procedures to ensure the secrecy of a ballot returned to a precinct polling place and the security, confidentiality, and integrity of personal information collected, stored, or otherwise used pursuant to this section.

(c) On or before March 1, 2008, the elections official shall establish procedures to track and confirm the receipt of voted vote by mail ballots and to make this information available by means of online access using the county's elections division Internet Web site. If the county does not have an elections division Internet Web site, the elections official shall establish a toll-free telephone number that may be used to confirm the date a voted vote by mail ballot was received.

(d) The provisions of this section are mandatory, not directory, and a ballot shall not be counted if it is not delivered in compliance with this section.

(e) Notwithstanding subdivision (a), a vote by mail voter's ballot shall not be returned by a paid or volunteer worker of a general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. However, this subdivision does not apply to a candidate or a candidate's spouse.

SECTION 1. Section 3017 of the Elections Code is amended to read:

3017. (a) All vote by mail ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do either of the following: (1) return the ballot by mail or in person to the elections official ~~from whom it came~~ *who issued the ballot* or (2) return the ballot in person to ~~any~~ a member of a precinct board at ~~any~~ a polling place within the ~~jurisdiction~~ *state*. However, a vote by mail voter who, because of illness or other physical disability, is unable to return the ballot, may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the vote by mail voter to return the ballot to the elections official ~~from whom it came~~ *who issued the ballot* or

1 to the precinct board at ~~any~~ a polling place within the jurisdiction
2 state. The ballot must, however, be received by either the elections
3 official ~~from whom it came~~ *who issued the ballot* or ~~the~~ a precinct
4 board before the close of the polls on election day. *If a vote by*
5 *mail ballot is returned to a precinct board at a polling place*
6 *located in a county that is not the county of the elections official*
7 *who issued the ballot, the elections official for the county in which*
8 *the vote by mail ballot is returned shall forward the ballot to the*
9 *elections official who issued the ballot.*

10 (b) The elections official shall establish procedures to ensure
11 the secrecy of ~~any~~ a ballot returned to a precinct polling place and
12 the security, confidentiality, and integrity of ~~any~~ personal
13 information collected, stored, or otherwise used pursuant to this
14 section.

15 (c) On or before March 1, 2008, the elections official shall
16 establish procedures to track and confirm the receipt of voted vote
17 by mail ballots and to make this information available by means
18 of online access using the county's elections division Internet Web
19 site. If the county does not have an elections division Internet Web
20 site, the elections official shall establish a toll-free telephone
21 number that may be used to confirm the date a voted vote by mail
22 ballot was received.

23 (d) The provisions of this section are mandatory, not directory,
24 and ~~no~~ a ballot shall *not* be counted if it is not delivered in
25 compliance with this section.

26 (e) Notwithstanding subdivision (a), ~~no~~ a vote by mail voter's
27 ballot shall *not* be returned by ~~any~~ a paid or volunteer worker of
28 ~~any~~ a general purpose committee, controlled committee,
29 independent expenditure committee, political party, candidate's
30 campaign committee, or any other group or organization at whose
31 behest the individual designated to return the ballot is performing
32 a service. However, this subdivision ~~shall~~ *does not* apply to a
33 candidate or a candidate's spouse.

34 SEC. 1.5. Section 3017 of the Elections Code is amended to
35 read:

36 3017. (a) All vote by mail ballots cast under this division shall
37 be voted on or before the day of the election. After marking the
38 ballot, the vote by mail voter shall do either of the following: (1)
39 return the ballot by mail or in person to the elections official ~~from~~
40 ~~whom it came~~ *who issued the ballot* or (2) return the ballot in

1 person to ~~any~~ a member of a precinct board at ~~any~~ a polling place
2 within the ~~jurisdiction~~ state. However, a vote by mail voter who;
3 ~~because of illness or other physical disability~~, is unable to return
4 the ballot; may designate his or her spouse, child, parent,
5 grandparent, grandchild, brother, sister, or a person residing in the
6 same household as the vote by mail voter to return the ballot to
7 the elections official ~~from whom it came~~ *who issued the ballot* or
8 to the precinct board at ~~any~~ a polling place within the ~~jurisdiction~~
9 state. The ballot must, however, be received by either the elections
10 official ~~from whom it came~~ *who issued the ballot* or ~~the~~ a precinct
11 board before the close of the polls on election day. *If a vote by*
12 *mail ballot is returned to a precinct board at a polling place*
13 *located in a county that is not the county of the elections official*
14 *who issued the ballot, the elections official for the county in which*
15 *the vote by mail ballot is returned shall forward the ballot to the*
16 *elections official who issued the ballot.*

17 (b) The elections official shall establish procedures to ensure
18 the secrecy of ~~any~~ a ballot returned to a precinct polling place and
19 the security, confidentiality, and integrity of ~~any~~ personal
20 information collected, stored, or otherwise used pursuant to this
21 section.

22 (c) On or before March 1, 2008, the elections official shall
23 establish procedures to track and confirm the receipt of voted vote
24 by mail ballots and to make this information available by means
25 of online access using the county's elections division Internet Web
26 site. If the county does not have an elections division Internet Web
27 site, the elections official shall establish a toll-free telephone
28 number that may be used to confirm the date a voted vote by mail
29 ballot was received.

30 (d) The provisions of this section are mandatory, not directory,
31 and ~~no~~ a ballot shall *not* be counted if it is not delivered in
32 compliance with this section.

33 (e) Notwithstanding subdivision (a), ~~no~~ a vote by mail voter's
34 ballot shall *not* be returned by ~~any~~ a paid or volunteer worker of
35 ~~any~~ a general purpose committee, controlled committee,
36 independent expenditure committee, political party, candidate's
37 campaign committee, or any other group or organization at whose
38 behest the individual designated to return the ballot is performing
39 a service. However, this subdivision ~~shall~~ *does not* apply to a
40 candidate or a candidate's spouse.

1 SEC. 2. Section 15320 of the Elections Code is amended to
2 read:

3 15320. Vote by mail ballots and mail ballot precinct ballots
4 returned to the elections office and to the polls on election day that
5 are not included in the semifinal official canvass phase of the
6 election, including any ballots returned to another jurisdiction in
7 the state and forwarded to the issuing jurisdiction pursuant to
8 Section 3017, shall be processed and counted during the official
9 canvass in the manner prescribed by Chapter 2 (commencing with
10 Section 15100).

11 *SEC. 3. Section 1.5 of this bill incorporates amendments to*
12 *Section 3017 of the Elections Code proposed by both this bill and*
13 *Assembly Bill 2080. It shall only become operative if (1) both bills*
14 *are enacted and become effective on or before January 1, 2013,*
15 *(2) each bill amends Section 3017 of the Elections Code, and (3)*
16 *this bill is enacted after Assembly Bill 2080, in which case Section*
17 *1 of this bill shall not become operative.*

18 ~~SEC. 3.~~

19 SEC. 4. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.